

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TINYBUILD LLC, a Washington limited
liability company,

Plaintiff/Counterclaim Defendant,

v.

NIVAL INTERNATIONAL LIMITED, a
Cypriot corporation,

Defendant/Counterclaim Plaintiff,
and

SERGEY ORLOVSKIY,

Defendant.

CASE NO. 2:19-cv-00805 TSZ

TINYBUILD'S REQUEST FOR
CLERK'S SERVICE ON FOREIGN
INDIVIDUAL

Clerk's Action Requested

On March 20, 2020, Plaintiff tinyBuild filed a First Amended Complaint adding Sergey Orlovskiy as a defendant. Dkt. 36. On information and belief, Orlovskiy is a foreign individual residing in Cyprus and service of process cannot be made within the United States. Declaration of Diana Siri Breau ¶2. This Court has personal jurisdiction over Orlovskiy pursuant to RCW 4.28.185.

1 Plaintiff tinyBuild requests that the Clerk of this Court serve Orlovskiy with a copy of the
2 Summons and First Amended Complaint pursuant to Federal Rule of Civil Procedure

3 4(f)(2)(C)(ii). The rule provides:

4 (f) SERVING AN INDIVIDUAL IN A FOREIGN COUNTRY. Unless federal law provides otherwise,
5 an individual – other than a minor, an incompetent person, or a person whose waiver has been
6 filed – may be served at a place not within any judicial district of the United States:

7 (1) by any internationally agreed means of service that is reasonably
8 calculated to give notice, such as those authorized by the Hague
9 Convention on the Service Abroad of Judicial and Extrajudicial
10 Documents;

11 (2) if there is no internationally agreed means, or if an international
12 agreement allows but does not specify other means, by a method
13 that is reasonably calculated to give notice:

14 . . .

15 (C) unless prohibited by the foreign country's law, by:

16 . . .

17 (ii) using any form of mail that the clerk addresses and sends to the
18 individual and that requires a signed receipt;

19

20 Fed. R. Civ. Proc. 4(f)(2)(C)(ii).

21 The Court may take judicial notice that Cyprus is a party to the Hague Convention on the
22 Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters of
23 November 15, 1965 (the "Hague Convention"). The Hague Convention permits judicial documents to
24 be sent via mail. Hague Convention, Article 10(a). Further, according to the Hague Conference on
25 Private International Law, of which both Cyprus and the United States are members, Cyprus has not
26 objected to service by mail.

1 Accordingly, tinyBuild requests the Court direct the Clerk to serve Defendant Orlovskiy by
2 international registered mail, which requires a return receipt, pursuant to Federal Rule of Civil
3 Procedure 4(f)(2)(C)(ii). The known address in Cyprus for service on Orlovskiy follows:

4 Sergey Orlovskiy
5 Digeni Akrita 1
6 "Blue Ocean" Building
7 Apartment 602
8 Limassol, Cyprus 3035

9 DATED this 4th day of May 2020.

10 Respectfully submitted,

11 SUMMIT LAW GROUP, PLLC
12 Attorneys for Plaintiff

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